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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,323	01/09/2004	Brett W. Sareyka	0326	7488

7590 07/28/2005

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/754,323

Applicant(s)

SAREYKA ET AL.

Examiner

Chapman E. Jeanette

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziegler et al (5839246) in view of Purdy (3321879) and Cubbler, Jr. et. al.. As noted Ziegler discloses a connector that is stabbed through a slot in a main beam in a suspended to lock with an opposing identical connector already in the slot and that has a cantilevered locking latch integral with and pivoted from a base of the latch.

Cubbler discloses a suspended ceiling system with mating connectors. The same includes a locking latch with a camming latch 56/66. A cam is an irregular shaped ***disc or cylinder that imparts a rocking motion***. Hence, the locking latch 56/66 from the base is an arc; see figure 5.

Purdy discloses a suspended ceiling system with mating connectors. The same includes a locking latch or outwardly turned engaging flaps 48 which clearly shows the locking latch from the base is curved.

In view of the above it would have been obvious to modify Zielgler by replacing his latch with one that pivots from the base in an arc. Clearly there is a variation in this arc as viewed from the two secondary references in order to provide a suspended ceiling structure that is easy to install yet provides rigidity.

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One of ordinary skill in the art would have appreciated any arc radius which would arrive at the intended structure, purpose and function of the invention.

Applicant admits to the taper being a part of the prior art. See figure 3 and 3a and accompanying text of the above referenced disclosure. With the above recited locking latch, the improvement provides, as much as applicant's ceiling structure with the same limitations, the following:

1. during the delay in contact between the side of the slot and the locking latch:
 - a. a taper on the connector being stabbed through the slot positions the connector vertically within the slot more quickly without delay
 - b. a greater lever arm is created to flex the latch as it is inserted through the slot than would be created without the delay
 - c. the lateral friction created between the connector in the slot and the connector being inserted in the slot is substantially reduced from said lateral friction created without delay
 - d. the connector inserted in the slot can be adjusted vertically to a position where it locks the connector already in the slot
2. substantially less force over a shorter distance is required with the improvements discussed above than is required without the improvements

Applicant's arguments filed March 24, 2005 have been considered but are not persuasive. Ziegler not Purdy is the base reference and Ziegler does show " a connector that is stabbed through a slot in a main beam in a suspended ceiling grid to lock with an identical connector already in the slot....." as set for in the claims. Further, one reference is not bodily incorporated into another ; the secondary references are cited for some particular teaching. Purdy is cited for its teaching regarding the locking latch and outwardly engaging flaps 48 curved from the base. Cubbler is cited for its camming locking latch. It is unclear why the remarks argue as if Purdy is the base reference. And Figure 7 of Purdy shows a connector in the form of an arc. The drawings are a part of the disclosure; even if figure 4 may not show identical structure, it remains that figure 7 discloses curved or arced connectors 37/48. Further figure 5 of Cubbler discloses curved or arced connectors.

Applicant further argues that the references are not combinable. All three references are directed to suspended ceiling supports.. It is clear that in view the drawings that similarities are apparent. Each reference discloses some particular element that is aiding in accomplishing the intended purpose for his ceiling structure. It would have been obvious to impart the same structure on any ceiling support to provide a similar function; other functions that also flow from the structure are inherent and may have been provided for different reasons. For example, the camming locking latch on the above application and the references do so for different reasons, but the functions that inherently flow from such structure is inherent with the use of the camming latch.

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Regarding the cited Board decision: this decision is not related to this application in that the same prior art was not cited and the same claim limitations are not before the examiner for review.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571272-6841. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeanette Chapner
Primary Examiner

Jeanette Chapner
Primary Examiner